

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY  
JUVENILE DEPARTMENT

STATE OF WASHINGTON,	)	
	)	
Plaintiff,	)	No.
	)	
vs.	)	ORDER FOR PRETRIAL
	)	COMPETENCY EVALUATION
_____	)	
	)	(OREX)
_____ (D.O.B.)	)	Clerk's Action Required
	)	Put in Stay Status
Respondent.	)	
_____	)	

THIS MATTER coming on in open court upon the motion of the defense, and there being reason to doubt the respondent's fitness to proceed, and the court being in all things duly advised; the plaintiff being represented by the undersigned Deputy Prosecuting Attorney; Daniel T. Satterberg, the Respondent is/is not present and being represented by undersigned counsel; now, therefore,

THE COURT FINDS the respondent is in need of forensic mental health evaluation for the items listed below; and

IT IS HEREBY ORDERED, under the authority of RCW 10.77.060, that the respondent, who is charged with the crime(s) of \_\_\_\_\_ be evaluated by two experts from Child Study and Treatment Center/Western State Hospital, who are designated by the Secretary of the Department of Social and Health Services, including

both a psychiatrist and a psychologist, if necessary. The examination may include psychological and medical tests, and voluntary treatment if conducted inpatient at Child Study and Treatment Center/Western State Hospital, and shall be completed as specified below:

PLACE OF EXAMINATION:

[ ] **A.(1) JUVENILE DETENTION/KING COUNTY JAIL.** The examination shall take place in Juvenile Detention/King County Jail. If the expert determines that the examination should take place or be completed at Child Study and Treatment Center/Western State Hospital, the expert shall notify the parties in writing, and respondent shall be transported to Child Study and Treatment Center/Western State Hospital, and at the end of such period of examination and testing, return the respondent to the custody of Juvenile Detention/King County Jail. The written report shall be provided as soon as practical following the receipt of all of **(a.) this order, (b.) the charging documents and (c.) the prosecutor's discovery** by Child Study and Treatment Center/Western State Hospital, unless the court grants further time. If the respondent is transferred to another detention or correctional facility or a treatment facility under RCW 71.05, detention/the jail &/or the parties are to immediately inform Child Study and Treatment Center/Western State Hospital and the facility is ordered to make the respondent available for the purposes of this evaluation order. If the respondent is released from detention/jail prior to the examination, the respondent shall contact the staff at Child Study and Treatment Center/Western State Hospital within the next working day following his/her release from detention/jail to schedule an appointment for examination at Child Study and Treatment Center/Western State Hospital or an agreed facility.

[ ] **A.(2) OUT OF CUSTODY.** As the respondent is not currently in custody, the respondent (through his/her attorney) shall contact the staff at Child Study and Treatment

Center/Western State Hospital within the next working day following the date of this order to schedule and arrange an appointment for examination at Child Study and Treatment Center/Western State Hospital or an agreed facility. If the defense attorney requests to be present, Child Study and Treatment Center/Western State Hospital staff shall give respondent's counsel reasonable notice of the time and place of the evaluation. If the respondent is committed to a treatment facility before the evaluation, the facility is ordered to make the respondent available for the purposes of this evaluation order. The examination shall occur, and the written report shall be provided, as soon as practical following the receipt of all of **(a.) the order, (b.) the charging documents and (c.) the prosecutor's discovery** by Child Study and Treatment Center/Western State Hospital, unless the court grants further time. A new order must be entered to authorize inpatient examination if necessary to complete the evaluation.

[ ] **A.(3) INPATIENT at CHILD STUDY AND TREATMENT CENTER/ WESTERN STATE HOSPITAL.** The examination is to occur at Child Study and Treatment Center/Western State Hospital and the respondent is hereby committed to the care of the Division of Social and Health Services for up to fifteen days from the date of admission to the hospital and the hospital's receipt of all of **(a.) the order, (b.) the charging documents and (c.) the prosecutor's discovery**. Following the examination the respondent is to be returned to Juvenile Detention/King County Jail for further proceedings in this matter. The initial or final written report shall be provided in not less than twenty-four hours preceding the transfer of the respondent back to detention/jail, unless further time is granted by the court.

King County Department of Adult and Juvenile Detention shall transport the respondent to Child Study and Treatment Center/Western State Hospital as soon as possible for the purposes set forth above, and at the end of such period of examination and/or testing return the respondent

to the custody of Juvenile Detention/King County Jail to be held pending further proceedings against the respondent.

EXAMINER REQUIREMENTS:

[ ] **B(1). DEVELOPMENTAL DISABILITIES PROFESSIONAL:** The court has been advised by a party to the proceedings that the respondent may be developmentally disabled and hereby orders that one of the expert(s) qualify as a Developmental Disabilities Professional.

[ ] **B(2). INTERPRETER REQUIRED:** The parties have determined that the respondent requires the assistance of a qualified interpreter of the \_\_\_\_\_ language, to be arranged by Child Study and Treatment Center/Western State Hospital.

[X] **B(3). NUMBER OF EXAMINERS:** The parties stipulate that the in-custody or out of custody examination may be performed by only one examiner, for purposes of expediting the proceedings waiving the RCW 10.77.060(1) requirement of two examiners for this in-custody or out of custody examination only. This stipulation does not waive either party's right to have an additional examination performed at a later time by someone of their choosing.

REPORT REQUIREMENTS:

The staff of Child Study and Treatment Center/Western State Hospital shall provide the report to the chief criminal judge of the court in which the criminal proceeding is pending, and provide copies to the Prosecuting Attorney, the Defense Counsel and others as designated in RCW 10.77.060 and 10.77.065. The report of the evaluation shall include the following pursuant to RCW 10.77.060:

**C(1).** A description of the nature of the examination;

**C(2).** A diagnosis of the respondent's mental condition;

**C(3). COMPETENCY:** an opinion as to the respondent's capacity to understand the proceedings and to assist in respondent's own defense; If the report concludes the respondent is incompetent to proceed, an opinion whether psychotropic medications are necessary and appropriate to restore the respondent's competency;

**C(4).** An opinion as to whether the respondent is a substantial danger to other persons or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons, as required by RCW 10.77.060(3);

**C(5).** An opinion as to whether the respondent should be evaluated by a County Designated Mental Health Professional under RCW 71.05.

**RECORDS:**

**D(1)** In accordance with RCW 10.77.060 (1)(a) the staff of Child Study and Treatment Center/Western State Hospital is granted access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the respondent for the purpose of conducting the examination.

Pursuant to CrR 3.3., the time for trial period is tolled during this examination period and until this court enters an order finding the respondent to be competent to proceed.

The next court appearance is set for \_\_\_\_\_ at \_\_\_\_\_ am/pm in Court \_\_\_\_.

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/// /// ///

DONE IN OPEN COURT this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
Deputy Prosecuting Attorney

**PRINT NAME:** \_\_\_\_\_ WSBA No. \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_ FAX Number \_\_\_\_\_

\_\_\_\_\_  
Attorney for Respondent

**PRINT NAME:** \_\_\_\_\_ WSBA No. \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_ FAX Number \_\_\_\_\_